Applicants request reconsideration of the application in view of the amendments and remarks that follow.

IN THE CLAIMS:

G1

21. (Once amended) A method of conferring resistance to pathogenic fungi on a plant using a DNA sequence encoding an anti-bacterial peptide from a Diptera insect, the method comprising the steps of: transforming a plant cell by introducing the DNA sequence encoding the anti-bacterial peptide from the Diptera insect; and regenerating the transformed plant cell into a transgenic plant expressing the anti-bacterial peptide, wherein the transgenic plant has enhanced resistance to pathogenic fungi as compared to the plant before transformation.

23. (Once amended) The method according to claim 21, wherein the anti-bacterial peptide from the Diptera insect is [Sarcotoxin] sarcotoxin 1a.

24. (Once amended) The method according to claim 21, wherein the DNA sequence encoding the anti-bacterial peptide from the Diptera insect is [introduced into the plant cell in a form of] in an expression vector, said expression vector comprising an expression cassette comprising the DNA sequence encoding the anti-bacterial peptide from the Diptera insect operably linked to a first plant promoter and a drug resistance gene operably linked to a second plant promoter which is constitutively expressed, wherein the first plant promoter and the second plant promoter are positioned adjacent to each other.

G2

25. (Once amended) The method according to claim 21, wherein the DNA sequence encoding the anti-bacterial peptide from the Diptera insect is operably linked to a plant gene via [a] the hinge region of a tobacco chitinasa gene.

29. (Twice amended) The method according to claim 28, wherein the promoter induced by stress is [a] the promoter of the tobacco PR-1a gene.

G3 cont.

30. (Twice amended) The method according to claim 24, wherein the expression cassette [has a] further comprises the terminator of the tobacco PR-1a gene

operably linked downstream of the DNA sequence encoding the antibacterial peptide from the Diptera insect.

G3 cont'd.

31. (Twice amended) The method according to claim 24, wherein the [constitutively expressed] second plant promoter is the [Cauliflower] cauliflower mosaic virus 35S promoter.

G4

32. (Once amended) A plant which confers resistance to pathogenic fungi, the plant comprising an expression vector comprising an expression cassette comprising a DNA sequence encoding an anti-bacterial peptide from a Diptera insect operably linked to an inducible promoter and a drug resistance gene operably linked to a constitutively expressed promoter, wherein the inducible promoter and the constitutively expressed promoter are positioned adjacent to each other, wherein the transgenic plant has enhanced resistance to pathogenic fungi as compared to the plant before transformation.

G5

34. (Once amended) The plant according to claim 32, wherein the anti-bacterial peptide from the Diptera insect is [Sarcotoxin] sarcotoxin 1a.

35. (Once amended) The plant according to claim 32, wherein the DNA sequence encoding the anti-bacterial peptide from the Diptera insect is operably linked to a plant gene via [a] the hinge region of a tobacco chitinase gene.

G6

38. (Once amended) The plant according to claim 37, wherein the promoter induced by stress is [a] the promoter of the tobacco PR-1a gene.

G7

39. (Twice amended) The plant according to claim 32, wherein the expression cassette [has a] further comprises the terminator of the tobacco PR-1a gene operably linked downstream of the DNA sequence encoding the anti-bacterial peptide from the Diptera insect.

G8

40. (Once mended) The plant according to claim 32, wherein the constitutively expressed promoter is the [Cauliflower] cauliflower mosaic virus 35S promoter.

G9

41. (Once mended) The plant according to claim 32, wherein the expression vector further [has] comprises a T-DNA region and a drug [resistant] resistance gene.

Please add the following new claims.

-- 42. (New) The method according to claim 21, wherein the anti-bacterial peptide from Diptera insect is selected from the group consisting of members of the sarcotoxin 1 family and homolog thereof, and peptides derived from sapecin.

43. (New) The method according to claim 21, wherein the anti-bacterial peptide from Diptera insect is selected from the group consisting of members of the sarcotoxin 1 family and homolog thereof.

44. (New) The method according to claim 21, wherein the anti-bacterial peptide from Diptera insect is selected from members of the sarcotoxin 1 family.

45. (New) The plant according to claim 32, wherein the anti-bacterial peptide from Diptera insect is selected from the group consisting of members of the sarcotoxin 1 family and homolog thereof, and peptides derived from sapecin.

46. (New) The plant according to claim 32, wherein the anti-bacterial peptide from Diptera insect is selected from the group consisting of members of the sarcotoxin 1 family and homolog thereof.

47. (New) The plant according to claim 32, wherein the anti-bacterial peptide from Diptera insect is selected from members of the sarcotoxin 1 family. --

REMARKS

Status of the Application

Claims 21, 23-25, 29-32, 34-35 and 38-41 are amended, and claims 42-47 are added. With entry of this Amendment, claims 21-47 are pending in this application. For the convenience of the Examiner, an appendix of pending claims is attached hereto.

Claims 31, 40 and 41 were objected to for minor grammatical errors. Claims 21, 22, 24-33 and 35-41 were rejected for allegedly lacking adequate written description.